

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MCKESSON CORPORATION,

Appellant,

v.

SPECIALTY RETAIL SHOPS HOLDING
CORP., *et al*¹

Appellees.

District Court Case No. 19-cv-00405

On appeal from the United States
Bankruptcy Court for the District of
Nebraska, Case No. 19-80064

**APPELLANT MCKESSON CORPORATION'S NOTICE OF COMPLETION OF
APPELLATE BRIEFING AND REQUEST FOR ORAL ARGUMENT**

McKesson Corporation (“McKesson”), by and through its undersigned counsel, hereby submits this Notice of Completion of Appellate Briefing and Request for Oral Argument (“Notice”). In support of this Notice, McKesson states as follows:

1. On September 12, 2019, McKesson filed its Notice of Appeal [Bk. Dk. No. 1913] of the Order denying McKesson’s request for payment of administrative claim [Bk. Dk. No. 1876] (the “Administrative Claim Order”) and elected to have the appeal heard by the United States District Court for the District of Nebraska (the “Appeal”).

2. On December 20, 2019, briefing of the Appeal was completed. The following appellate briefs have been filed:

- a. Appellant McKesson Corporation’s Opening Brief [Dk. No. 21, filed on October 30, 2019];
- b. Appellees’ Response Brief [Dk. No. 26, filed on November 29, 2019]; and

¹ The Debtors in these Chapter 11 cases are: Specialty Retail Shops Holding Corp.; Pamida Stores Operating Co., LLC; Pamida Transportation LLC; Penn-Daniels, LLC; Place’s Associates’ Expansion, LLC; Retained R/E SPE, LLC; Shopko Finance, LLC; Shopko Gift Card Co., LLC; Shopko Holding Company, LLC; Shopko Institutional Care Services Co., LLC; Shopko Optical Manufacturing, LLC; Shopko Properties, LLC; Shopko Stores Operating Co., LLC; SVS Trucking, LLC.

c. Appellant McKesson Corporation's Reply Brief [Dk. No. 30, filed on December 20, 2019].

3. The Appeal involves a challenge to the Bankruptcy Court's denial of an administrative claim in favor of McKesson for the value of reclaimed goods which McKesson delivered to the Debtors during the 21 to 45 period immediately preceding the Debtors' January 16, 2019 bankruptcy filing, as set forth in the Administrative Claim Order. The appeal primarily involves two provisions of the Bankruptcy Code: 11 U.S.C. § 503(b)(1)(A) and 11 U.S.C. § 546(c).

4. The Appeal involves very important statutory rights and protections afforded to sellers of goods to debtors on the eve of bankruptcy. In light of the bankruptcy issues involved, and relevant Eighth Circuit authority, as cited in the briefs, McKesson believes that oral argument is appropriate and should be permitted. Accordingly, pursuant to Rule 8019(a) of the Federal Rules of Bankruptcy Procedure, McKesson requests oral argument on the appeal.

Dated: December 24, 2019

CLINE WILLIAMS WRIGHT JOHNSON &
OLDFATHER, L.L.P.

/s/ Michael J. Whaley
Richard P. Garden, Jr., #17685
Michael J. Whaley, #19390
Cline Williams Wright Johnson
Oldfather, L.L.P.
Sterling Ridge
12910 Pierce Street, Suite 200
Omaha, NE 68124
Telephone: (402) 397-1700
rgarden@clinewilliams.com
mwhaley@clinewilliams.com

and

BUCHALTER
A Professional Corporation

/s/ Jeffrey K. Garfinkle
Jeffrey K. Garfinkle (admitted *pro hac vice*)
Paul S. Arrow (admitted *pro hac vice*)
18400 Von Karmen Avenue
Irvine, CA 92612
Telephone: (949) 760-0182
jgarfinkle@buchalter.com
parrow@buchalter.com

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of December, 2019, I caused the above document to be filed in the United States District Court for the District of Nebraska's CM/ECF system which gave electronic notification electronically upon all parties who filed an appearance or requested notice by electronic filing in this case.

/s/ Michael J. Whaley

4812-9612-0239, v. 1